

## Energy and Commerce Committee Leaders Challenge Proposed Exemption to PCB Import Ban

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Washington, D.C. — Key Democratic lawmakers are challenging a proposal that would allow a French owned multinational company to import Mexican hazardous waste into the United States to be incinerated at a U.S. facility.

In a letter to Environmental Protection Agency (EPA) Administrator Stephen L. Johnson, leaders of the Committee on Energy and Commerce questioned a proposal that would break a decades-long ban on the importation of polychlorinated biphenyls (PCBs) by allowing Veolia ES Technical Solutions to bring the chemical into the United States for incineration at a facility in Port Arthur, Texas. In their letter, Reps. John D. Dingell (D-MI), the Chairman of the Committee on Energy and Commerce, Gene Green (D-TX), the Chairman of the Environment and Hazardous Materials Subcommittee, and Hilda Solis (D-CA), the Vice-Chair of the Subcommittee, said granting Veolia's petition would create an open border for all PCB waste from Mexico.

"It is baffling that EPA would allow a company with such a poor record of environmental compliance to import toxic chemicals into our country," said Dingell. "Maybe EPA needs a reminder that it works for the American people, including the residents of the Jefferson County community, not companies like Veolia."

"The people of southeast Texas

already live with a large concentration of industries, and they deserve to know why the EPA intends to exempt this facility from the federal ban on importing toxic PCBs," Green said. "We intend to look carefully at how the EPA determined importing PCBs into Port Arthur is safe and whether they have followed appropriate procedures to evaluate environmental justice concerns."

"The EPA's proposed exemption is yet another example of the Bush Administration's poor track record on issues important to underserved and low-income communities," said Solis. "The residents of Port Arthur and other communities such as Kettleman City, California deserve to know that their neighborhoods are not dumping grounds for imported toxic substances. I will continue to fight for fair and just policies which protect the health and welfare of environmental justice communities, and for enactment of legislation to enforce environmental justice policies that can prevent such actions as this proposed exemption."

#### EPA

has determined that PCBs cause significant human health effects, including cancer, disruption of the endocrine system, immune system suppression, skin irritation, and liver damage. Human exposure to PCBs comes principally through eating contaminated food and breathing contaminated air. The proposed exemption would allow Veolia to import up to 20,000 tons of PCB waste from Mexico. Most of the PCBs are from a Mexican Government-owned electric company. Veolia manages industrial waste from the Mexican Government-owned electric company through its Mexican subsidiary, RIMSA.

Port Arthur, located in Jefferson County, Texas, is home to three Superfund sites. Seven other Superfund sites are located in Jefferson County. According to 2006 census data, Port Arthur is a predominately minority community with a median household income 25 percent below the U.S. poverty line. It is estimated that, between the years 2000 and 2004, males and females of Jefferson County experienced cancer mortality rates that were 14.8 percent and 8.3 percent higher than the state average.

#### The

lawmakers' letter also notes that the EPA's proposed exemption contains a provision not originally requested by Veolia in its petition. If the facility in Port Arthur were to be shut down, the provision would grant Veolia the authority to arrange for alternative disposal at another facility in the United States. Among the other facilities that could potentially receive this waste for alternative disposal is Wayne Disposal, Inc. in Belleville, Michigan.

"It troubles me that the EPA has so quickly determined that disposing of PCBs in these other locations is safe without even hearing from the public in

these communities," added Dingell. "If opening our southern border for PCBs that may then be shipped around the country for disposal is as safe as EPA makes it seem, why is the public not being told about it?"

The lawmakers also question EPA's willingness to grant an exemption to a facility with a poor compliance record with State and Federal environmental laws including the Solid Waste Disposal Act and the Clean Air Act. The Port Arthur facility's compliance with the Texas Council on Environmental Quality (TCEQ) during the past five years shows significant violations of the Clean Air Act. Violations include exceeding maximum emission limits for carbon monoxide. The facility was also cited for failure to maintain the minimum temperatures in its kiln at the required permit limit of 1,391 degrees Fahrenheit. Minimum kiln temperatures are set to ensure the kiln destroys the toxic chemicals that are meant to be burned.

On June 19th, the EPA held a public hearing in Port Arthur on Veolia's proposed PCB import ban exemption.

Read the Letter

Prepared by the Committee on Energy and Commerce

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